

PHILIP H. LOWENTHAL
33 N. Market Street, Suite 101
Wailuku, Maui, Hawai'i 96793
Telephone: 242-5000 (HNL 545-5688)

Attorney for Claimant
MICHAEL ELLIOT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 17 2003

at 1 o'clock and 30 min. 4 M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. CV03-00571 SOM LEK
)	
)	
vs.)	CLAIMANT-OWNER'S ANSWER;
)	CERTIFICATE OF SERVICE
SIXTEEN THOUSAND NINE)	
HUNDRED DOLLARS (\$16,900.00))	
IN UNITED STATES CURRENCY;)	
ONE THOUSAND SIX HUNDRED)	
DOLLARS (\$1,600.00 IN UNITED)	
STATES CURRENCY; AND ONE)	
WHITE 2003 NISSAN XTERRA)	
BEARING HAWAII LICENSE)	
PLATE NUMBER NBJ748 AND)	
VEHICLE IDENTIFICATION)	
NUMBER 5N1ED28Y23C642072)	
)	
Defendants,)	
)	
MICHAEL ELLIOT)	
)	
Claimant-Owner.)	
)	

CLAIMANT-OWNER'S ANSWER

COMES NOW Claimant-Owner MICHAEL ELLIOT, who has claimed an interest in the above-described Sixteen Thousand Nine Hundred Dollars (\$16,900.00) in United States Currency, and for answer to the Complaint filed herein states as follows:

First Defense

Claimant-Owner admits the allegations stated in paragraphs 1,2,3, 4, 6, and 7 of the Complaint; and denies the allegations stated in paragraph 5 and subsections.

Second Defense

The evidence to support Plaintiff's action herein was unlawfully and unconstitutionally obtained in violation of Claimant-Owner's right to be free from unreasonable searches and seizures and therefore may not be used in furtherance of Plaintiff's case.

Third Defense

Claimant-Owner is an innocent owner.

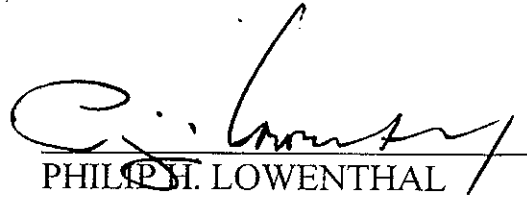
Fourth Defense

Forfeiture of defendant real property is grossly disproportionate to the gravity of the alleged reasons for forfeiture and would be constitutionally excessive.

Fifth Defense

The Defendant property is not forfeitable because it was neither used in connection with nor purchased with the fruit of proscribed activity.

DATED: Wailuku, Hawaii, November 13, 2003.



PHILIP H. LOWENTHAL
Attorney for Claimant-Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the attached document was duly served, via the U.S. Mail, postage prepaid, to the counsel of record listed below, on today's date.

DATED: Wailuku, Maui, Hawai'i, NOV 14 2003

Rachel S. Moriyama
Assistant U.S. Attorney
United States Attorney's Office
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850-6100

A handwritten signature in black ink, appearing to read "Philip D. Lowenthal", written over a horizontal line.

PHILIP D. LOWENTHAL
Attorney for CLAIMANT-OWNER
MICHAEL ELLIOT